



General Assembly

February Session, 2002

Raised Bill No. 5647

LCO No. 2051

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

***AN ACT CONCERNING NOTICE OF MEDICAL MALPRACTICE
INSURANCE FILINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-676 of the general statutes, as amended by
2 section 14 of public act 01-174, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) (1) With respect to rates pertaining to commercial risk insurance,
5 and subject to the provisions of subsection (b) of this section with
6 respect to workers' compensation and employers' liability insurance,
7 on or before the effective date [thereof, every] of such insurance, each
8 admitted insurer shall submit to the Insurance Commissioner for the
9 commissioner's information, except as to inland marine risks which by
10 general custom of the business are not written according to manual
11 rates or rating plans, [every] each manual of classifications, rules and
12 rates, and every minimum, class rate, rating plan, rating schedule and
13 rating system and any modification of the foregoing which it uses.
14 Such submission by a licensed rating organization of which an insurer
15 is a member or subscriber shall be sufficient compliance with this
16 section for any insurer maintaining membership or subscribership in

17 such organization, to the extent that the insurer uses the manuals,
18 minimums, class rates, rating plans, rating schedules, rating systems,
19 policy or bond forms of such organization. The information shall be
20 open to public inspection after its submission.

21 (2) With respect to any filing described in subsection (a) of this
22 section for medical malpractice insurance, if a person requests, in
23 writing, that the commissioner send the person written notice of any
24 medical malpractice insurance filing, the commissioner shall provide
25 notice each time such filing is made. A person may (A) inspect and
26 copy such filings at the person's expense, (B) submit written comments
27 to the commissioner on such filing not later than thirty calendar days
28 after the date the commissioner sends the notice of filing, and the
29 commissioner shall consider such comments before making a decision
30 to approve such filing, and (C) request a hearing on the
31 commissioner's decision in accordance with section 38a-19.

32 (b) Each filing as described in subsection (a) of this section for
33 workers' compensation or employers' liability insurance shall be on file
34 with the Insurance Commissioner for a waiting period of thirty days
35 before it becomes effective, which period may be extended by the
36 commissioner for an additional period not to exceed thirty days if the
37 commissioner gives written notice within such waiting period to the
38 insurer or rating organization which made the filing that the
39 commissioner needs such additional time for the consideration of such
40 filing. Upon written application by such insurer or rating organization,
41 the commissioner may authorize a filing which the commissioner has
42 reviewed to become effective before the expiration of the waiting
43 period or any extension thereof. A filing shall be deemed to meet the
44 requirements of sections 38a-663 to 38a-696, inclusive, as amended,
45 unless disapproved by the commissioner within the waiting period or
46 any extension thereof. If, within the waiting period or any extension
47 thereof, the commissioner finds that a filing does not meet the
48 requirements of said sections, the commissioner shall send to the
49 insurer or rating organization which made such filing written notice of

50 disapproval of such filing, specifying therein in what respects the
 51 commissioner finds such filing fails to meet the requirements of said
 52 sections and stating that such filing shall not become effective. Such
 53 finding of the commissioner shall be subject to review as provided in
 54 section 38a-19.

55 (c) The form of any insurance policy or contract the rates for which
 56 are subject to the provisions of sections 38a-663 to 38a-696, inclusive, as
 57 amended, other than fidelity, surety or guaranty bonds, and the form
 58 of any endorsement modifying such insurance policy or contract, shall
 59 be filed with the Insurance Commissioner prior to its issuance. The
 60 commissioner shall adopt regulations, in accordance with the
 61 provisions of chapter 54, establishing a procedure for review of such
 62 policy or contract. If at any time the commissioner finds that any such
 63 policy, contract or endorsement is not in accordance with such
 64 provisions or any other provision of law, the commissioner shall issue
 65 an order disapproving the issuance of such form and stating the
 66 reasons for disapproval. The provisions of section 38a-19 shall apply to
 67 any such order issued by the commissioner.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2002</i> |

Statement of Purpose:

To require the Insurance Commissioner to provide notice of medical malpractice rate filings and to require the commissioner to consider comments received concerning the filings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]